

**MERCK**Merck & Co., Inc.
P.O. Box 2000
Rahway, NJ 07065

Patent Department

JAN 18 2006

Facsimile Cover Sheet**TODAY'S DATE:** January 18, 2006**PLEASE DELIVER THE FOLLOWING MESSAGE TO:**Examiner's Name: Myron G. HillExaminer's fax number: (571) 273-8300Group number: 11648**THIS MESSAGE IS FROM:**Name: Joan SwitzerPhone No.: (732) 594-5616Mail Location: RY60-30Fax No.: (732) 594-4720**RE:** Applicants: Merck & Co., Inc.Case No.: 20377YPSerial No.: 09/890,836Filed: August 3, 2001Title: Improved Helper Dependent Vector System for Gene Therapy**COMMENT:** Amendment and Response under 37 CFR 1.116 follows.NUMBER OF PAGES BEING TRANSMITTED (INCLUDING COVER): 10**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL**

Terri Schiffman at (732) 594-4373

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shown belowTerri Schiffman

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January 18, 2006


Date

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/890,836
		Filing Date	August 3, 2001
		First Named Inventor	Bett, Andrew et al.
		Art Unit	1648
		Examiner Name	Myron G. Hill
Total Number of Pages in This Submission	9	Attorney Docket Number	20377YP

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ENCLOSURES (Check all that apply)		
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Remarks 		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Name	Joan E. Switzer	Registration No. (Attorney/Agent)	34,740
Signature			Date
			1/18/2006

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this date: January 18, 2005			
Typed or printed name	Terri Schiffman		
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JAN 18 2006

PATENT
CASE NO. 20377YP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450In re application of: BETT, ANDREW ET AL.Serial No. 09/890,836Filed August 3, 2001Group Art Unit 1648Examiner Myron G. Hill

For: Improved Helper Dependent Vector System for Gene Therapy

Transmitted herewith is an amendment in the above-identified application.

☒ No additional fee is required.☐ The fee has been calculated as shown below.

CLAIMS AS AMENDED

(1)	(2) Claims remaining after amendment	(3)	(4) Highest Number Previously Paid For	(5) Present Extra	(6) Rate	(7) Additional Fee
Total Claims	* <u>15</u>	-	** <u>41</u> =	<u>0</u> X	\$50	= <u>0.00</u>
Independent Claims	* <u>1</u>	-	*** <u>7</u> =	<u>0</u> X	\$200	= <u>0.00</u>
Multiple Dependent Claims					\$360 ****	= <u> </u>
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT →						0.00

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

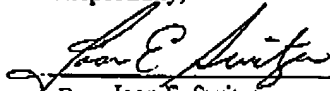
** If the "Highest Number Previously Paid For" in this space is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" in this space is less than 3, write "3" in this space.

**** Add this fee only if application is amended to include multiple dependent claims (regardless of number) and no multiple dependent claims were originally filed.

Charge \$ 0.00 to Deposit Account No. 13-2755. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2755. A duplicate copy of this sheet is enclosed.

Respectfully,



By: Joan E. Switzer

Attorney for Applicant(s)

Reg. No. 34,740

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732) 594-5616

Date: January 18, 2006

IN DUPLICATE

PATENT
CASE NO. 20377YR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In re application of: BETT, ANDREW ET AL.
Serial No. 09/890,836
Filed August 3, 2001
Group Art Unit 1648
Examiner Myron G. Hill
For: Improved Helper Dependent Vector System for Gene Therapy

Transmitted herewith is an amendment in the above-identified application.

- ☒ No additional fee is required.
☐ The fee has been calculated as shown below.

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Independent Claims	* <u>1</u>	-	*** <u>7</u> =	<u>0</u> X	\$200	= <u>0.00</u>
Multiple Dependent Claims					\$360 ****	= <u> </u>
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						0.00

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

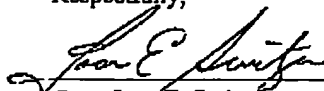
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Respectfully,



By: Joan E. Switzer

Attorney for Applicant(s)

Reg. No. 34,740

MERCK & CO., INC.

Patent Dept., RY60-30

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(732) 594-5616

Date: January 18, 2006

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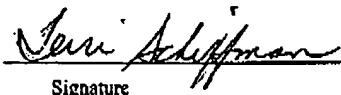
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Terri Schiffman

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January 18, 2006

Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bett, Andrew, et al.

Serial No.: 09/890,836 - Case No.: 20377YP

Filed: August 3, 2001

For: IMPROVED HELPER DEPENDENT VECTOR
SYSTEM FOR GENE THERAPY

Art Unit:

1648

Examiner:

Hill, Myron G.

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE UNDER 37 CFR §1.116

Sir:

This is in response to the outstanding Final Office Action dated November 1, 2005 received in connection with the above captioned matter. In that a response to the Final Office Action is due on February 1, 2006, this response is timely and no further extension of time is needed. Please amend the above-identified application as follows:

Amendment to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 4 of this paper.